

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:13-cv-107-RJC

MARCUS RANDALL BROWN,)	
)	
Petitioner,)	
)	
v.)	
)	<u>ORDER</u>
DENNIS DANIELS, Administrator,)	
Maury Correctional Institution,)	
)	
Respondent.)	
)	

THIS MATTER is before the Court on consideration of Petitioner's motion to reconsider the Order denying and dismissing his petition for habeas corpus which was filed pursuant to 28 U.S.C. § 2254, and Petitioner's motion for appointment of counsel.

On October 7, 2014, this Court entered an Order finding that Petitioner's § 2254 petition was untimely and that he had not demonstrated a case to warrant equitable tolling. (Doc. No. 4: Order). The Court finds that for the reasons stated in the Order of dismissal, (Doc. No. 4), that Petitioner's motion for reconsideration should be denied. Petitioner's motion for appointment of counsel will likewise be denied as Petitioner's case is closed.

IT IS, THEREFORE, ORDERED that:

1. Petitioner's motion for reconsideration is **DENIED**. (Doc. No. 6).
2. Petitioner's motion for appointment of counsel is **DENIED**. (Doc. No. 7).
3. Pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases, the Court declines to issue a certificate of appealability as Petitioner has not made a substantial showing of a denial of a constitutional right. 28 U.S.C. § 2253(c)(2);

Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003) (in order to satisfy § 2253(c), a petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong); Slack v. McDaniel, 529 U.S. 474, 484 (2000) (holding that when relief is denied on procedural grounds, a petitioner must establish both that the correctness of the dispositive procedural ruling is debatable, and that the petition states a debatably valid claim of the denial of a constitutional right).

IT IS SO ORDERED.

Signed: May 23, 2014



Robert J. Conrad, Jr.
United States District Judge

